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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 In re CELLCYTE GENETICS
10 SECURITIES LITIGATION

Case No. C08-47RSL

11 This order relates to: All Actions
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ORDER GRANTING MOTION
TO DENY MOTIONS TO
DISMISS AS MOOT

14 This matter comes before the Court on plaintiffs' motion to continue and/or deny
15 as moot defendants' pending motions to dismiss. Defendants do not oppose the motion.

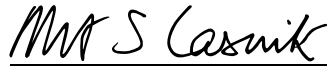
16 Plaintiffs' motion seeks an order continuing the motions to dismiss until after the
17 Court rules on plaintiffs' pending motion to amend their complaint. An order continuing
18 the motions is unnecessary because the Court has granted plaintiffs' motion to amend.

19 Defendants' pending motions to dismiss are directed towards the first amended
20 consolidated complaint, but that complaint has been superceded by amendment.

21 Accordingly, the pending motions to dismiss are moot. The Court therefore GRANTS
22 plaintiffs' motion to deny defendants' motions to dismiss as moot (Dkt. #134). The
23 motions to dismiss (Dkt. ## 115, 116, 117, 120) are denied as moot. The denial is
24 without prejudice; defendants may refile motions to dismiss after plaintiffs file their
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1 second amended consolidated complaint in the docket.

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3 DATED this 20th day of January, 2009.

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6 Robert S. Lasnik
7 United States District Judge
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